

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARCEL D. FORD.

**Plaintiff,**

V.

SLYVESTER WILLIAMS,

Defendant.

Case No. 1:24-cv-00532-JLT EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S APPLICATIONS TO  
PROCEED IN FORMA PAUPERIS, AND  
DIRECTING PLAINTIFF TO PAY THE  
FILING FEE WITHIN 30 DAYS

(Docs. 7, 12)

Marcel D. Ford, who is confined at Mule Creek State Prison, seeks to proceed *in forma pauperis* in this action, in which he alleges the defendant—an inmate at Kern Valley State Prison—violated his civil rights. (Docs. 1, 2.) Reviewing Plaintiff’s litigation history, the magistrate judge identified four actions that qualified as strikes under 28 U.S.C. § 1915(g). (Doc. 12 at 3.) In addition, the magistrate judge found Plaintiff did “not allege any specific facts demonstrating ongoing serious physical injury or facts evidencing the likelihood of imminent serious physical injury.” (*Id.* at 5.) Therefore, the magistrate judge found the imminent danger exception to Section 1915 does not apply and recommended that the Court deny the motion to proceed *in forma pauperis*. (*Id.* at 6.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 30 days. (Doc. 12 at 6.) The Court advised Plaintiff the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*,

1 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014).) Plaintiff did not file any  
2 objections and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations  
5 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

6 1. The Findings and Recommendations filed on January 21, 2025 (Doc. 12) are  
7 **ADOPTED** in full.  
8 2. Plaintiff's motion to proceed *in forma paupers* (Doc. 7) is **DENIED**.  
9 3. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full  
10 the \$405.00 filing fee if he wishes to proceed with his action.

11 **Plaintiff is advised that failure to pay the required filing fee as ordered will result in**  
12 **the dismissal of this action without prejudice.**

13 IT IS SO ORDERED.  
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15 Dated: February 27, 2025

  
UNITED STATES DISTRICT JUDGE

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